IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.13133 of 2005

Between:

Karumuri Durga Reddy S/o. Sarreddy, 45 years,
Jangareddigudem Mandal, West Godavari District.

...PETITIONER

AND

1. The Mandal Revenue Officer, Jangareddigudem Mandal, Jangareddigudem, West Godavari District.
2. The Assistant Engineer, The Eastern Power Distribution Company of A.P. Ltd., Lakkavaram, Jangareddigudem Mandal, West Godavari District.
3. Karumuri Venkata Reddi, S/o.Late Sareddi, 48 years, R/o.Parempeta, Jangareddigudem Mandal, West Godavari District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, Order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the respondents 1 & 2 in attempting to sanction electrical service connection to the illegally dug bore well of the 3rd Respondent without considering the petitioner objection/representation dated 17.05.2005 as illegal, arbitrary, malafide, ultravires, against the provisions of the A.P. Land, Water and Trees Act and against the Principles of Natural Justice and consequently direct the respondents not to grant electrical service connection to the

illegally, dug bore well of the 3rd respondent and to direct the 3rd Respondent to close the bore well.

Counsel for the Petitioner: MR.K.JYOTHI PRASAD

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

Counsel for the Respondent No.3: Mr.S.Krishna

The Court at the admission stage made the following:

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.13133 of 2005

ORDER:

This Writ Petition is filed by the petitioner seeking to declare the action of

respondent Nos.1 and 2 in attempting to sanction electrical service connection to the illegally dug bore well of the third respondent without considering the petitioner's representation dated 17.05.2005 as illegal and arbitrary and to direct the respondents not to grant electrical service connection to the illegally dug bore well of the third respondent and further, to direct the third respondent to close the bore well.

The learned counsel for the petitioner submitted that the third respondent has not obtained any permission to dig the bore well as contemplated under the A.P. Land, Water and Trees Act, 2002 ('the Act' for brevity). In the said circumstances, the petitioner is constrained to approach this Court seeking the above directions.

Considering the facts and circumstances of the case, I deem it appropriate that when a representation is made by the petitioner bringing to the notice of the respondents that the bore well was dug in violation of the provisions of the Act, the respondents ought to have taken an immediate action.

The Writ Petition is accordingly disposed of with a direction to the respondents to dispose of the petitioner's representation dated 17.05.2005 within four weeks from the date of receipt of a copy of this order, after giving opportunity to both the parties in accordance with law.

No costs.

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(ELIPE DHARMA RAO, J)

21st June 2005

Note: Wire at party's cost

B/O

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Mandal Revenue Officer, Jangareddigudem Mandal, Jangareddigudem, West Godavari District.
2. The Assistant Engineer, The Eastern Power Distribution Company of A.P. Ltd., Lakkavaram, Jangareddigudem Mandal, West Godavari District.
3. Two CCs to GP for Revenue, High Court Buildings, Hyderabad (OUT).
4. Two CD copies.